

1 ORRICK, HERRINGTON & SUTCLIFFE LLP
KAREN G. JOHNSON-MCKEYAN (SBN 121570)
2 kjohnson-mckewan@orrick.com
ANNETTE L. HURST (SBN 148738)
3 ahurst@orrick.com
GABRIEL M. RAMSEY (SBN 209218)
4 gramsey@orrick.com
405 Howard Street, San Francisco, CA 94105
5 Tel: 1.415.773.5700 / Fax: 1.415.773.5759
PETER A. BICKS (*pro hac vice*)
6 pbicks@orrick.com
LISA T. SIMPSON (*pro hac vice*)
7 lsimpson@orrick.com
51 West 52nd Street, New York, NY 10019
8 Tel: 1.212.506.5000 / Fax: 1.212.506.5151

9 BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (*pro hac vice*)
10 dboies@bsfllp.com
333 Main Street, Armonk, NY 10504
11 Tel: 1.914.749.8200 / Fax: 1.914.749.8300
STEVEN C. HOLTZMAN (SBN 144177)
12 sholtzman@bsfllp.com
1999 Harrison St., Ste. 900, Oakland, CA 94612
13 Tel: 1.510.874.1000 / Fax: 1.510.874.1460

ORACLE CORPORATION
14 DORIAN DALEY (SBN 129049)
dorian.daley@oracle.com
15 DEBORAH K. MILLER (SBN 95527)
deborah.miller@oracle.com
16 MATTHEW M. SARBORARIA (SBN 211600)
matthew.sarboraria@oracle.com
17 RUCHIKA AGRAWAL (SBN 246058)
ruchika.agrawal@oracle.com
18 500 Oracle Parkway,
Redwood City, CA 94065
19 Tel: 650.506.5200 / Fax: 650.506.7117

20 *Attorneys for Plaintiff*
ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 Plaintiff,
26 v.
27 GOOGLE INC.
28 Defendant.

Case No. CV 10-03561 WHA

**DECL. OF GEOFFREY G. MOSS IN SUPPORT
OF ORACLE'S RULE 59 MOTION FOR A
NEW TRIAL**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William Alsup

1 I, Geoffrey G. Moss, declare and state as follows:

2 1. I am a member of the bar of the State of California, admitted to practice before this
3 Court, and an associate with the law firm of Orrick, Herrington & Sutcliffe LLP ("Orrick"),
4 attorneys of record for plaintiff Oracle America, Inc. ("Oracle"). I am familiar with the events,
5 pleadings and discovery in this action and, if called upon as a witness, I could and would testify
6 competently to the matters stated herein of my own personal knowledge. I earned a Bachelor of
7 Science in Computer Science from the University of California, San Diego. I submit this
8 declaration in support of Oracle's Rule 59 Motion For A New Trial.

9 2. I participated in a source code review, along with Mohamed Shakir of Keystone
10 Strategy, of source code that Google made available for inspection on a computer maintained at
11 the offices of Kecker & Van Nest. These inspections took place on November 5, 2015, November
12 25, 2015, December 14, 2015, and January 7, 2016. Google's counsel represented it was making
13 the source code for the following software available for inspection:

- 14 • ARC Welder
- 15 • App Runtime for Chrome
- 16 • Brillo
- 17 • Google Mobile Services
- 18 • Source code implementing versions of Android using OpenJDK

19 3. I have also reviewed Google's announcements related to its new
20 Marshmallow/Chrome OS product announced at the Google I/O conference on May 19, 2016 as
21 well as related articles. Bush Decl. Exs. A, C, D, F, J. I did not observe source code for Google's
22 Marshmallow/Chrome OS in the files Google produced or made available for inspection during
23 discovery. Also, Google did not represent that it was making such source code available for
24 inspection.

25 I declare under penalty of perjury under the laws of the United States the foregoing is true
26 and correct.

27 Executed this 6th day of July, 2016, at Los Angeles, CA.

28 